

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 8342 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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A V THAKKAR & 13 - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

NOTICE SERVED for Petitioner(s) : 1, 4,6 - 7, 9,11 - 12, 14, NOTICE
UNSERVED for Petitioner(s) : 2 - 3, 5, 8, 10, 13,
Shri Dipen Desai, Asst.GOVERNMENT PLEADER for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 04/04/2007

ORAL JUDGMENT

As the learned advocate who was appearing
on behalf of the petitioners has been elevated to

the Bench of this Court, this Court directed the Office to issue Notice upon the petitioners and accordingly notices were issued upon the petitioners. The Office endorsement shows that notices upon the petitioners No. 1, 4, 6, 7, 9, 11 and 12 are served and rest of the petitioners are unserved on the ground that either they are transferred and/or retired. By order dated 29.3.2007 this Court directed the Office to notify the present Special Civil Application along with SCA No. 4329 of 1996 and if SCA No. 4329 of 1996 is already disposed of, the office was directed to place the order passed in that Special Civil Application on record of the case. Accordingly the Office has placed the order passed by this Court in SCA No. 4329 of 1996 on record. This Court vide the said order dated 14th February 2007 directed the State Government to take appropriate decision with regard to alleged anomaly in the pay-scale.

2. In the present Special Civil Application also, Shri Dipen Desai, learned AGP has submitted that the dispute which has been raised was referred to the Pay Anomaly Committee who in turn submitted a report to a Sub-Committee and the Sub-Committee has also considered the same and the report is at present with the State Government for its consideration.

3. In other group of petitions as well as in Special Civil Application No. 4329 of 1996 which was ordered to be heard along with present Special Civil Application, this Court directed the State Government to take appropriate decision with regard to alleged anomaly in the pay-scale. Accordingly, the present Special Civil Application is also disposed of at this stage and the State Government is directed to consider the report submitted by the Pay Anomaly Committee as well as by the Sub-Committee and take appropriate decision with regard to alleged pay anomaly and also on all other questions which have been

raised in the present Special Civil Application as early as possible, but not later than three months from the date of receipt of this order. The State Government shall communicate the decision taken to the respective petitioners within the period of 15 days thereafter. The State Government and the concerned departments are directed to strictly comply with the above directions. It is, however, made clear that this Court has not expressed any opinion on merits in favour of either parties. It goes without saying that if any adverse decision is taken it would be open for the petitioners to challenge the same by way of appropriate proceeding. With these, the present Special Civil Application is disposed of. Rule is discharged with no order as to costs.

[M.R. Shah, J.]

rmr.